

Message

**From:** Payne, Allison [Payne.Allison@epa.gov]  
**Sent:** 9/7/2022 7:15:57 PM  
**To:** Cropp-Kohlligian, Bonnie [Cropp-Kohlligian.Bonnie@epa.gov]; Koch, Erin [Koch.Erin@epa.gov]; Giles-Parker, Cynthia [Giles-Parker.Cynthia@epa.gov]; Nguyen, Khue [Nguyen.Khue@epa.gov]; Weissenborn, Lauren [Weissenborn.Lauren@epa.gov]; Reaves, Elissa [Reaves.Elissa@epa.gov]; Britton, Cathryn [Britton.Cathryn@epa.gov]  
**CC:** Orrock, James [Orrock.James@epa.gov]; Crews, Kristy [crews.kristy@epa.gov]; Mercado, Minerva [Mercado.Minerva@epa.gov]; Shelat, Shalu [Shelat.Shalu@epa.gov]  
**Subject:** RE: CFS litigation update  
**Attachments:** 22-70118\_Documents.pdf

Cynthia and Bonnie,

# Ex. 5 DPP, ACP, AWP

@Giles-Parker, Cynthia let me know if you'd like to have a quick call this afternoon or tomorrow to talk through the motion.

Allison Payne  
Pesticides and Toxic Substances Law Office  
Office of General Counsel  
U.S. Environmental Protection Agency  
202-564-8501  
(she/her/hers)

**From:** Cropp-Kohlligian, Bonnie <Cropp-Kohlligian.Bonnie@epa.gov>  
**Sent:** Wednesday, September 7, 2022 1:36 PM  
**To:** Koch, Erin <Koch.Erin@epa.gov>; Giles-Parker, Cynthia <Giles-Parker.Cynthia@epa.gov>; Nguyen, Khue <Nguyen.Khue@epa.gov>; Payne, Allison <Payne.Allison@epa.gov>; Weissenborn, Lauren <Weissenborn.Lauren@epa.gov>; Reaves, Elissa <Reaves.Elissa@epa.gov>; Britton, Cathryn <Britton.Cathryn@epa.gov>  
**Cc:** Orrock, James <Orrock.James@epa.gov>; Crews, Kristy <crews.kristy@epa.gov>; Mercado, Minerva <Mercado.Minerva@epa.gov>; Shelat, Shalu <Shelat.Shalu@epa.gov>  
**Subject:** RE: CFS litigation update

## Ex. 5 DPP, ACP, AWP

require from HED?

Is there anything else that you

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**From:** Koch, Erin <Koch.Erin@epa.gov>  
**Sent:** Wednesday, September 7, 2022 11:40 AM  
**To:** Giles-Parker, Cynthia <Giles-Parker.Cynthia@epa.gov>; Nguyen, Khue <Nguyen.Khue@epa.gov>; Payne, Allison <Payne.Allison@epa.gov>; Weissenborn, Lauren <Weissenborn.Lauren@epa.gov>; Reaves, Elissa <Reaves.Elissa@epa.gov>; Britton, Cathryn <Britton.Cathryn@epa.gov>; Cropp-Kohlligian, Bonnie <Cropp-Kohlligian.Bonnie@epa.gov>  
**Cc:** Orrock, James <Orrock.James@epa.gov>; Crews, Kristy <crews.kristy@epa.gov>  
**Subject:** RE: CFS litigation update

Looping in Bonnie who has been asked to look into this on the HED side. Some info from RD below.

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**From:** Giles-Parker, Cynthia <Giles-Parker.Cynthia@epa.gov>  
**Sent:** Wednesday, September 07, 2022 10:52 AM  
**To:** Nguyen, Khue <Nguyen.Khue@epa.gov>; Payne, Allison <Payne.Allison@epa.gov>; Weissenborn, Lauren <Weissenborn.Lauren@epa.gov>; Reaves, Elissa <Reaves.Elissa@epa.gov>; Britton, Cathryn <Britton.Cathryn@epa.gov>  
**Cc:** Orrock, James <Orrock.James@epa.gov>; Koch, Erin <Koch.Erin@epa.gov>; Crews, Kristy <crews.kristy@epa.gov>  
**Subject:** RE: CFS litigation update

Khue and Allison,

There was a moratorium on all new uses for all triazoles until we received the data on 1, 2, 4 triazoles. RD did not issue a DCI, but a letter was sent out to the US Triazole Task Force regarding data needs. Data were submitted to address the needs and HED generated a risk assessment February 7, 2006 for 1,2,4 triazole and its metabolites at that time to support registration and reregistration actions.

I will have to search for the letter that was issued to request the data needed.

Cynthia

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**From:** Nguyen, Khue <Nguyen.Khue@epa.gov>  
**Sent:** Tuesday, September 6, 2022 6:31 PM  
**To:** Payne, Allison <Payne.Allison@epa.gov>; Weissenborn, Lauren <Weissenborn.Lauren@epa.gov>; Reaves, Elissa <Reaves.Elissa@epa.gov>; Britton, Cathryn <Britton.Cathryn@epa.gov>; Giles-Parker, Cynthia <Giles-Parker.Cynthia@epa.gov>  
**Cc:** Orrock, James <Orrock.James@epa.gov>; Koch, Erin <Koch.Erin@epa.gov>  
**Subject:** RE: CFS litigation update

Hi Allison,

We received similar comments from CFS in the past during the difenoconazole PID comment period about the 2000 DCI for the 1,2,3-triazole metabolite, but we cannot find a record of a 2000 DCI being issued for metabolite data for any of the triazole cases when we looked back at the RED DCIs. More likely, a DCI was not issued, and the requirement was levied as a condition of registration. Perhaps RD might have more insight into this question.

Cynthia—you said previously there were discussions between the agency and companies on pending actions back then. You recalled a letter went out to all companies outlining our concerns and data needs—perhaps these records are in the jackets? Do you know which chemical case and which products we should look for?

Thanks,

Khue Nguyen

Team Leader  
Risk Management and Implementation Branch 5  
Pesticide Reevaluation Division  
Office of Pesticide Programs, US EPA  
202-566-2356

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**From:** Payne, Allison <Payne.Allison@epa.gov>

**Sent:** Tuesday, September 6, 2022 5:00 PM

**To:** Weissenborn, Lauren <Weissenborn.Lauren@epa.gov>; Reaves, Elissa <Reaves.Elissa@epa.gov>; Britton, Cathryn <Britton.Cathryn@epa.gov>; Giles-Parker, Cynthia <Giles-Parker.Cynthia@epa.gov>

**Cc:** Nguyen, Khue <Nguyen.Khue@epa.gov>; Orrock, James <Orrock.James@epa.gov>; Koch, Erin <Koch.Erin@epa.gov>

**Subject:** RE: CFS litigation update

Thanks, Lauren for getting back to me.

# Ex. 5 DPP, ACP, AWP

Allison Payne  
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**From:** Weissenborn, Lauren <Weissenborn.Lauren@epa.gov>

**Sent:** Thursday, September 1, 2022 3:46 PM

**To:** Payne, Allison <Payne.Allison@epa.gov>; Reaves, Elissa <Reaves.Elissa@epa.gov>; Britton, Cathryn <Britton.Cathryn@epa.gov>

**Cc:** Nguyen, Khue <Nguyen.Khue@epa.gov>; Orrock, James <Orrock.James@epa.gov>; Koch, Erin <Koch.Erin@epa.gov>

**Subject:** RE: CFS litigation update

Hi Allison:

In follow up from our discussion this am, Ex. 5 DPP, ACP, AWP

# Ex. 5 DPP, ACP, AWP

Reminder that we had previously said that there are 83 expected labels, and 43 have been submitted, which is confirmed by the database pull.

Let me know if you have any additional questions.

Thank you!

Lauren Weissenborn  
Chemical Review Manager | RMIBV  
Pesticide Re-Evaluation Division  
Office of Pesticide Programs  
U.S. Environmental Protection Agency  
[Weissenborn.Lauren@epa.gov](mailto:Weissenborn.Lauren@epa.gov)

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**From:** Payne, Allison <[Payne.Allison@epa.gov](mailto:Payne.Allison@epa.gov)>  
**Sent:** Thursday, September 1, 2022 9:03 AM  
**To:** Reaves, Elissa <[Reaves.Elissa@epa.gov](mailto:Reaves.Elissa@epa.gov)>; Britton, Cathryn <[Britton.Cathryn@epa.gov](mailto:Britton.Cathryn@epa.gov)>; Weissenborn, Lauren <[Weissenborn.Lauren@epa.gov](mailto:Weissenborn.Lauren@epa.gov)>  
**Cc:** Nguyen, Khue <[Nguyen.Khue@epa.gov](mailto:Nguyen.Khue@epa.gov)>; Orrock, James <[Orrock.James@epa.gov](mailto:Orrock.James@epa.gov)>; Koch, Erin <[Koch.Erin@epa.gov](mailto:Koch.Erin@epa.gov)>  
**Subject:** CFS litigation update

Good morning all,

We have some quickly developing updates on the CFS litigation challenging the difenoconazole ID.

# Ex. 5 DPP, ACP, AWP

We'll keep you updated once we have a briefing schedule in place and have had the chance to digest CFS's motion. Thank you all in advance and please let me know if you have any questions in the meantime.

Allison Payne  
Pesticides and Toxic Substances Law Office  
Office of General Counsel  
U.S. Environmental Protection Agency  
202-564-8501  
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